

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRIAN KOPATZ

§

VS.

§

CIVIL ACTION NO. 1:15cv464

STATE OF TEXAS

§

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Brian Kopatz, an inmate at the Stiles Unit, proceeding *pro se*, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.¹

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** to the extent it recommends dismissal. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **18** day of **August, 2016**.



Ron Clark, United States District Judge

¹ In a motion filed after the report was issued, plaintiff stated he did not intend to file a civil action. Liberally construed, plaintiff's motion is interpreted as a motion to dismiss under Federal Rule of Civil Procedure 41(a). Plaintiff's motion should be granted. Accordingly, the report is adopted to the extent it recommended dismissal without prejudice.